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## Introduction: The Role of Interest Groups in the Appointment Process

Thomas W. Merrill  
*Columbia Law School*, [tmerri@law.columbia.edu](mailto:tmerri@law.columbia.edu)

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## INTRODUCTION: THE ROLE OF INTEREST GROUPS IN THE APPOINTMENT PROCESS

*Thomas W. Merrill\**

We heard this morning about the Bork nomination from a legal perspective and then this afternoon about the Bork nomination from a historical perspective. This panel is going to discuss the Bork nomination from the social scientific perspective. In particular, the focus of the panel will be on the roll of interest groups in that process.

I begin first with the commentators. The four commentators represent four different types of groups that were all active in the Bork nomination: someone who is from the law professoriate, someone who is from the news media, someone who represents a civil rights group, and someone who has been very active in ABA affairs, particularly as they pertain to judicial selection.

Steven Carter is a professor of law at Yale University, where he has taught since 1982. He is an articulate and prolific author on a variety of constitutional topics. One of his more recent articles, which appeared in the *Harvard Law Review*, was entitled *The Confirmation Mess*, which not coincidentally pertains to the same topic we are considering today.

Jack Fuller is executive editor of the *Chicago Tribune*. He has a law degree and did a brief stint with the Department of Justice in the mid-1970s as a special assistant to Attorney General Levy. But he's now best known as an editorial writer for the *Tribune*, where his work has gotten much praise, including a Pulitzer Prize awarded in 1986.

Judith Lichtman is President of the Women's Legal Defense Fund in Washington, D.C., a group that she has been affiliated with since 1984. She has been very active in a variety of civil rights organizations and is a member of almost as many organizations as Mr. Cutler. So I cannot begin to list them all for you. She also currently serves as member of the D.C. Judicial Nomination Commission, and thus has a good deal of active involvement in matters that pertain to us today.

I have stretched things out just long enough to introduce to you Joan Hall, who is serving as a substitute for Harold Tyler, who unfortunately could not make it today. Joan is a partner in the Chicago law firm

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\* Deputy Solicitor General; Professor of Law, Northwestern University School of Law (on leave).

of Jenner and Block, specializing in commercial litigation. She is very active in a variety of ABA matters and has since 1985 been a member of the ABA Standing Committee on the Judiciary.

I will not try to suggest to you which if any of these persons are affiliated with interest groups. I will let them debate that among themselves and let you draw your own conclusions.

Last, let me introduce our principal speaker on the panel, Martin Shapiro. Martin Shapiro is currently a Professor of Law at Berkeley Law School. He is a political scientist by training, and has a Ph.D. from Harvard which he received in 1961. He previously taught at virtually every school you would want to be affiliated with, including Harvard, Stanford, various University of California campuses, but unfortunately not at Northwestern. One would obviously want to be affiliated with that school if one had the opportunity. He is the author of five books and by his own count roughly sixty articles on American politics and constitutional law. He has a very distinguished reputation in the field of political science and law and he will present a paper to us entitled, "Interest Groups and Supreme Court Appointments."